

RECEIVED
CENTRAL FAX CENTER
JAN 07 2005

**OFFICIAL FILING BY FACSIMILE
TRANSMISSION ON JANUARY 7, 2005 TO
FACSIMILE #703-872-9306, FOR EXAMINER
YVONNE R. ABBOTT, TELEPHONE 703 308 2866,
ART UNIT 3644**

Response 15 pages,
Drawings 0 sheets
Terminal Disclaimer 0 sheet.
Total Fax pages 15

Our Ref. No. P-1624-031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
ESPINDA

Date: January 7, 2005

Serial No. 10/702,687

Group Art Unit: 3644

Filed: November 5, 2003

Examiner: Yvonne R. Abbott

For: BIRD SEED COLLECTOR

AMENDMENT AND RESPONSE

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Commissioner:

In response to the communication from the Examiner dated October 18, 2004,
please consider the following:

Response Is Timely

The applicant respectfully observes that this response is timely following the
Examiner's Communication of October 18, 2004. This response was filed January 7,
2005 and is timely. However, the Examiner is hereby authorized to deduct other fees
owing from the deposit account of Liebler, Ivey & Connor, P.S./Floyd E. Ivey, 35,552,
Deposit account No. 50-0607.

Certificate of facsimile filing
on January 7, 2005 by Floyd E. Ivey,
Serial No. 10/702,687.

Application No. 10/702,687

Floyd E. Ivey, USPTO 35552,

Z:\Client\Espinda\Patent\Response\Response.112.102.103.040625DRAFT.wpd

1 **I. INTRODUCTORY COMMENTS**

2 **Response to Detailed Action of October 18, 2004**

3 The Examiner sets forth Claim Objections at page 2, Claim Rejections per 35
4 USC 112 at page 2, and Claim Rejections per 35 U.S.C. 102 at page 2-4 and Claim
5 Rejections per 35 U.S.C. 102 and 35 U.S.C. 103(a) at pages 3-4. Your applicant now
6 responds to the Examiner's Action of October 18, 2004.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27 Certificate of facsimile filing
28 on January 7, 2005 by Floyd E. Ivey,
Serial No. 10/702,687

Application No. 10/702,687

Floyd E. Ivey, USPTO 35552,

2

Z:\IPC\Ivey\Facsimile\Patent\Response\Response.112.102.103.040625DRAFT.wpd